

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

ORIGINAL  
FILE

In the Matter of  
Revocation of License of  
  
MICHAEL J. LABADIA  
Amateur Radio Station N2IFY

PR Docket No. 92-57

and

Suspension of License of

MICHAEL J. LABADIA  
General Class Amateur  
Radio Operator License

RECEIVED

APR 30 1992

Federal Communications Commission  
Office of the Secretary

To: Administrative Law Judge Edward J. Kuhlmann

**MOTION TO DISMISS**

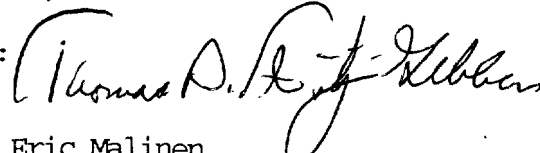
The Chief, Private Radio Bureau, by his attorneys, moves for the dismissal of this proceeding. The respondent, Michael J. Labadia, of Middleburgh, New York, has surrendered his amateur station and operator licenses for cancellation. See attached copies of license, transmittal letter, and envelope. This renders the captioned revocation and suspension proceeding moot.

Accordingly, the Bureau requests the dismissal of this proceeding.  
The respondent has informed the Bureau that he concurs with this request.

Respectfully Submitted,

Ralph A. Haller  
Chief, Private Radio Bureau

By:

  
Eric Malinen  
Thomas D. Fitz-Gibbon  
Attorneys

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List A B C D E

Enclosures

APR 30 1992

**CERTIFICATE OF SERVICE**

I, Ivy Harris, certify that on April 30, 1992, a copy of the foregoing  
MOTION TO DISMISS in PR Docket No. 92-57, filed on behalf of the  
Chief, Private Radio Bureau, was sent by First Class Mail to:

Michael J. Labadia  
RD 2, Box 143  
Posson Hill Road  
Middleburgh, New York 12122

Edward J. Kuhlmann  
Administrative Law Judge  
(Hand carried)

  
Ivy Harris

Michael J. LaBadia  
RD 2 Box 143A  
Posson Hill Rd.  
Middleburgh, NY 12122

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Federal Communications Commission  
Office of the Secretary

Special Services Division  
Federal Communications Commission  
2025 M Street N.W.  
Washington, D.C. 20554

Att: Thomas Fitizgibbons

Dear Sir:


In light of the prohibitive costs defending myself against the  
commissions allegations would place on my family, I hereby surr-  
ender my license.

My right to a hearing regarding the show cause order is waived.

Sincerely,

Michael J. LaBadia

APR 30 1992

AMATEUR RADIO LICENSE		NOT TRANSFERABLE	
EXPIRATION DATE	05/31/98	CALL SIGN	W2IQA
		OPERATOR PRIVILEGES	GENERAL
		STATION PRIVILEGES	PC-1A NY
NAME	MICHAEL J. LABADIA	FIXED STATION OPERATION LOCATION	SAME AS MAILING ADDRESS
ADDRESS	1 MYRTLE AVE GENE CTADY		
	NY 12306		
THIS LICENSE IS SUBJECT TO CONDITIONS OF GRANT ON REVERSE SIDE			
UNITED STATES OF AMERICA FEDERAL COMMUNICATIONS COMMISSION GETTYSBURG, PA 17326			
(LICENSEE'S SIGNATURE)		FCC FORM 60 AUGUST 1987	FEDERAL COMMUNICATIONS COMMISSION 

#### CONDITIONS OF GRANT

Licensee MUST SIGN on the face hereof before operation of the radio station begins.

When a class of operator privileges has been inserted on this license by the Commission, the person named herein as licensee is authorized to be the control operator of an amateur radio station licensed by this Commission only in the manner and to the extent provided by the class of privileges inserted herein.

When an amateur station call sign has been inserted on this license by the Commission, the person named herein as licensee is authorized to establish an amateur radio station at the fixed operation location herein specified. Operation of the station shall be in accordance with Part 97 of the Commission's Rules.

The station shall be identified by the call sign specified herein and shall be available for inspection upon request by an authorized Commission representative.

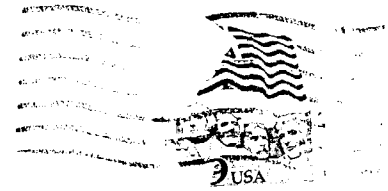
All authority hereby granted shall be exercised in accordance with the provisions of all treaties, laws, orders, rules and regulations that apply to amateur radio operators and amateur radio stations licensed by the Commission.

This license shall not vest in the licensee any right to operate the station nor any right in the use of authorized frequencies beyond the term hereof, nor in any other manner than authorized herein. This license is subject to the right of use or control by the Government of the United States under Section 606 of the Communications Act of 1934, as amended.

LaBadia  
Rd 2 P.O. Box 143A  
Middleburgh, NY 12122

5114P

ALBANY, NY 122  
PM  
22 APR  
122 PM #12192/92



Att: Thomas Fitzgibbons  
Special Services Division  
Federal Communications Commission  
2025 M Street N.W.  
Washington, D.C. 20554

75-10-1781

